

## PLAN Of a Constitution for the French Republic.

### PRESENTED

By the Committee of Eleven, in the Sitting of  
the 3 Messidor, Year 3d.

### DECLARATION

Of the Rights of Man and of the Citizen.

The French People proclaim in the presence of the Supreme Being, the following declaration of the Rights of Man, and of the Citizen.

Article I. The end of society is the common good. Government is instituted to guarantee to man the enjoyment of his rights.

II. The rights of man in Society are Liberty, Equality, Safety, Property.

III. Liberty consists in having power to do what will not hurt another.

IV. Every man is free to manifest his thoughts and opinions.

The liberty of the press and every other means of publishing his thoughts, cannot be interdicted, suspended or limited.

Every man is free in the exercise of his religious worship.

V. Equality consists in that the law shall be the same for all, whether it protect, or whether it punish.

VI. Law is the expression of the general will: That which is not forbidden by the law, cannot be obstructed.

No one can be constrained to do that which it does not ordain.

VII. Safety consists in the exertion of all to assure to each the enjoyment and the preservation of his rights.

VIII. No one can be called to justice, accused, arrested nor detained, except in cases determined by the law, and according to the forms which it prescribes.

Every citizen arraigned or seized under the authority of the law, ought to obey at the instant; he renders himself culpable by resistance.

IX. Those who flee it, expedite, sign, execute or cause to be executed arbitrary acts, are culpable and ought to be punished.

X. Every man being presumed innocent until he is legally declared guilty, all rigor which is not necessary to secure the person of the detained, ought to be severely repressed by law.

XI. No one ought to be judged nor punished, but after having been heard, or legally summoned.

XII. The law should decree those punishments only which are strictly necessary.

Punishments should be proportioned to crimes.

XIV. The right of property is that of enjoying and disposing of his goods, his revenues and the fruit of his labor, and of his industry.

XV. Every man is master of his own time and services; but he cannot sell himself nor be sold; his person is not alienable property.

XVI. No one can be deprived of his property without his consent, except when the public necessity, legally ascertained, requires it, and then on condition of a just indemnification.

XVII. All taxes are established for the general good, they ought to be apportioned in ratio to ability to pay.

XVIII. The sovereignty resides essentially in the unity of the citizens; it is one, indivisible, inalienable, and unassailable.

XIX. No individual and no partial meeting of the citizens can attribute to itself the sovereignty.

No one, without a legal delegation shall exercise any authority, nor fill any public office.

XX. Every citizen has a right to concur directly or indirectly in the formation of the law, the nomination of the representatives of the people, and of the public functionaries.

XXI. The social compact cannot exist, if the division of powers is not established, if their limits are not fixed, and if the responsibility of public functionaries is not secured.

XXII. Public functions cannot become the property of those who exercise them.

XXIII. The citizens have a right to address petitions to the depositaries of the public authority.

### Constitutional Act.

The French Republic is one and indivisible. The aggregate of the French citizens is the sovereignty.

#### Chapter I.

##### Division of the Territory

Art. I. France is divided into — Departments.

These departments are: l'Ain, l'Aisne, l'Allier, les basses Alpes, les hautes Alpes, les Alpes Maritimes, l'Ardeche, les Ardennes, l'Arriege, l'Aube, l'Aude, l'Averon, les Bouches du Rhone, Calvados, le Cantal, la Charente, l'Indre, le Cher, la Corrèze, la Corse, la Côte de l'Or, les Côtes du Nord, la Creuse, la Dordogne, le Doubs, la Drôme, l'Eure, l'Eure et Loir, le Finistère, le Gard, la Haute Garonne, le Gers, la Gironde, l'Hérault, l'Ille-et-Vilaine, l'Indre, l'Indre-et-Loire, l'Isère, le Jura, les Landes, Loir et Cher, la Loire inférieure, le Lot, Lot et Garonne, la Lozère, Maine et Loire, la Manche, la Marne, la haute Marne, la Mayenne, la Meurthe, la Meuse, le Mont-blanc, le Mont Terrible, le Morbihan, la Moselle, la Nièvre, l'Oise, l'Orne, le Pas-de-Calais, le Puy de Dôme, les basses Pyrénées, les hautes Pyrénées, les Pyrénées Orientales, le bas Rhin, le haut Rhin, Rhone et Loir, la haute Saône, Saône et Loir, la Sarthe, la Seine, (1) la Seine inférieure, Seine et Marne, Seine et Oise, Les Deux Seines, la Somme, le Tarn, le Van, Valenciennes, la Vendée, la Vienne, les Vosges, l'Yonne.

II. The limits of the departments may be changed or corrected on the request of the administrators, provided that the surface of the department may not be made to exceed one hundred myriamètres quarrés. (2.)

III. Each department is divided into Cantons, and each Canton into Communes.

IV. There shall not be the distance of more than one myriamètre (3) from the most distant habitation to the chief place in the Canton.

#### Chapter 2.

##### Political State of the Citizens.

Article I. All men born and residing in France, who have attained to the age of twenty one years, who shall be inscribed in the civic register of his Canton; who hath resided during one year in the territory of the Republic, and who pays any direct contribution, whatever, real or personal, is a French citizen.

II. Are citizens of the Republic, without any condition of contribution, those Frenchmen who have made one or more campaigns in the cause of liberty.

III. A foreigner may become a French citizen who has attained the age of twenty

- (1) As far as the Department of Paris
- (2) About four hundred square leagues.
- (3) About two leagues and an half.

one year, and having declared his intention of fixing himself in France, shall reside therein seven following years, provided he shall therein pay a direct contribution, and shall besides possess a real property there, or an agricultural or commercial establishment, or shall have married a French woman.

IV. French citizens only may vote in the primary assemblies, and be appointed to the offices established by the Constitution.

V. The exercise of the rights of a citizen are lost,

1st. By naturalization in a foreign country.

2dly. By associating with any foreign corporation, who support distinctions of birth, or who enjoin any religious vows.

3dly. By accepting offices or pensions offered by any foreign government.

4thly. By being condemned to painful and infamous punishments, until a re- statement.

VI. The exercise of the rights of citizens is suspended,

1st. By a judicial interdiction, for madness, loss of reason, or mental debility.

2d. By bankruptcy.

3d. By the state of domestic servitude on wages attached to the service of the person or of the household.

4th. By the state of accusation.

5th. By a sentence of outlawry during the time the judgment is not annulled.

VII. Every citizen who has resided seven years out of the territory of the republic, without a mission or authority given in the name of the nation, is considered a foreigner; he shall not again become a French citizen, till after having fulfilled the conditions prescribed by the 3d article.

VIII. Young men shall not be inscribed in the civic register, till they prove they can read and write, and that they have learnt a mechanic profession.

This article is not to be carried into execution till the ninth year of the Republic.

#### Chapter 3.

##### Primary assemblies.

Art. I. The primary assemblies shall be composed of the citizens who have resided one year in the same canton.

II. No one can vote by another in the primary assemblies; nor vote for the same object in more than one of those assemblies.

The number of citizens having the right of voting in each primary assembly is four hundred and fifty at least, and nine hundred the most.

IV. Notwithstanding, there shall be a primary assembly at least to each canton.

V. The primary assemblies shall place themselves provisionally, under the presidency of the most ancient member; the youngest shall perform the function of provisory secretary.

VI. They are definitively constituted by the nomination under the scrutiny of a president, of a secretary, and of three clerks.

VII. If difficulties should arise relative to the qualifications of the voters—the assembly resolves provisionally—have the recourse to the ordinary tribunals.

VIII. In all other cases the legislative body pronounces on the validity of the proceedings of the primary assemblies.

IX. No one may appear in arms in the primary assemblies.

X. Their rules, of proceeding are made by them selves.

XI. Whatever shall be transacted in a primary assembly, contrary to the object of its meeting, and contrary to the forms prescribed by the constitution, is void.

XII. The primary assemblies shall meet—  
1st. To accept or reject the constitution, or the alterations proposed by the assemblies of revision.

6/11/93

ad. To make the elections which appertain to them according to the constitution.  
XIII. They shall assemble in full right the first of Germinal of each year, to proceed in the order marked out by the following article, in the elections which are to be made.

XIV. They elect—

1st. The members of the legislative body viz. The members of the council of ancients, afterwards the members of the council of five hundred.

2d. The members of the abrogating tribunal.

3d. The members of the national jury.

4th. The president, the public accuser and register of the criminal tribunal of the department.

5th. The president and judges of the civil tribunals.

6th. The administrators of department.

7th. The president of the municipal administrations of the canton.

8th. The justices of the peace and their assistants.

XV. The assemblies shall not cause any other elections to be made, than those directed by the preceding article.

XVI. All elections are made under a secret scrutiny.

XVII. Every citizen who is legally convicted of having sold or bought a vote of suffrage is excluded from the primary assemblies for twenty years; in case of repetition, he is expelled forever.

XVIII. When it is engaged in the election of the functionaries proper to each canton, the return of the scrutiny shall be made to the chief place of the canton by the meeting of two commissioners from each primary assembly.

XIX. For all other elections, the return of the scrutiny is to be made to the chief place of the department, by the administrators assembled in public sitting.

XX. Immediately after the elections prescribed by art. XVI. they shall hold the assemblies communales, who will elect the agents of each commune, and in the communes of above 5000 inhabitants the municipal officers.

XXI. The public functions are divided in to several degrees.

XXII. The public functionaries of the first degree are the municipal administrators of cantons, communes, or neighbourhood of the communes, the justices of the peace their assistants, and the members of the committee of conciliation.

All these functions, excepting that of the justice of the peace are performed gratuitously.

XXIII. The public functionaries of the second degree, viz. the administrators of department, the members of civil tribunals, the presidents, public accusers, and registers of the criminal tribunals.

All these functions are salaried.

XXIV. The functionaries of the second degree excepting in article XXIII. cannot be conferred except on citizens who have not during two years, filled one of those enumerated in art. XXII.

XXV. Those citizens who, during two years, have exercised one of the public functions of the second degree, are alone eligible to the legislative body, when they shall comply with the other conditions required by the present constitution.

XXVI. The agents general of execution, the ambassadors, the commissioners with the administrators of the departments and tribunals, the secretaries in chief, of the same administrations or tribunals, the commissioners of the national treasury, the revisers and superintendants of the contributions direct or indirect are equally eligible to the legislative body, after six years service under their commissions.

XXVII. The conditions prescribed by the three preceding articles are not exacted until the end of the 9th year of the republic.

Every citizen who hath or shall have fulfilled up to that epoch in virtue of his election made in an electoral or primary as-

sembly, any public function of any of the superior degrees, shall be eligible to it without being constrained to pass through the inferior degrees.

Chapter IV.

Legislative Power.

Art. I. The exercise of the legislative power belongs to the legislative body alone.

II. The legislative body cannot, in any case, delegate to one or more of its members, nor to any one whatever, any of the functions which are assigned to it by the present constitution.

III. It cannot exercise, by itself, nor by its delegates, the executive power nor the judicial authority.

IV. The legislative body cannot assist at any public ceremony nor lend to it any deputations.

V. There is an incompatibility in the quality of member of the legislative body with the exercise of another public function.

The judges of the tribunals and the superintendants of the contributions direct or indirect, who are elected members of the legislative body, are replaced in their first functions, for the time only while they exercise their legislative functions; they resume afterwards those which they exercised before.

With respect to the other functionaries who may be elected members of the legislative body, the law determines the mode of their replacement definitive or temporary in their original functions.

VI. The legislative body is composed of a council of ancients and of a council of five hundred.

VII. The two councils reside always in the same commune.

VIII. The members of the legislative body receive an indemnity; this shall be the same in each council.

IX. The executive government cannot suffer to pass, or to remain any body of troops within the distance of six myriameters of the commune where the legislative body hold their sittings, if it be not upon its requisition or by its authority.

X. There shall be near the legislative body a guard of citizens taken from the national guard of all the departments, and chosen by their brothers in arms.

That guard cannot be less than twelve hundred men in actual service.

The legislative body determines the mode of this service and its duration.

Council of Ancients.

XI. The council of ancients is composed of two hundred and sixty members.

XII. It is in part renewed every 2 years; the members are four years in their function; they may afterwards be reelected; after which there will be an interval of two years before they may be reelected anew.

XIII. Every department concurs, in a ratio of its population alone, in the nomination of the members of the council of ancients.

XIV. Every ten years, the legislative body, according to the statements of the population which are laid before it, determines the numbers of the council of ancients which each department shall furnish.

No change shall be made in the number during that interval.

XV. The members of the council of ancients are nominated by the citizens of each department united in primary assembly.

XVI. No one can be elected member of the council of ancients,

If he shall not have attained the age of forty years;

If moreover, he be not married or a widower;

If he has not dwelt in the territory of the republic during the five years immediately preceding his election;

If finally, he shall not have been possessed of a freehold estate one year at least.

XVII. The members newly elected to the council of ancients shall assemble, the first of the month Pluvial, at the place which shall be pointed out by the preceding legislative body or in such place with its last

sittings, if no other should be pointed out.

XVIII. If, during the first fortnight, that part of the members newly elected to the council of ancients, be not assembled, those present cannot discuss any legislative act; but, they shall enjoin it upon the absent members to repair to their functions without delay.

XIX. Those members who shall not have arrived after a delay of one month are punished by a forfeiture equal in value to five hundred myriagrammes of corn (about three hundred quintals) if they do not offer an excuse which shall be judged legal by the council of ancients.

XX. As soon as the members of the council of ancients are assembled to the number of 118, or after the expiration of the first fortnight, whatever be the number assembled, they shall verify the powers of the members newly elected, and, all together, they shall constitute the council of ancients, and shall nominate a president and secretaries.

XXI. The functions of the president and of the secretary cannot exceed the duration of one month.

Council of Five Hundred.

XXII. The council of five hundred is invariably fixed at that number.

XXIII. The provisions contained in the xii. xiii. xiv. xv. xvii. xviii. xix. and xxi. relative to the organization of the council of ancients, are extended in common to the council of five hundred.

XXIV. In order to be elected member of the council of five hundred, it is necessary to have accomplished the age of 30 years, to have dwelt in the territory of the Republic during the ten years immediately preceding the election, and to have possessed, for one year at least a freehold estate.

The condition of residence required by the present article, and that prescribed by article xvi. of the present chapter, does not concern those citizens who have left the territory of the republic under missions of the government.

XXV. As soon as three hundred and twenty six members are assembled, or after the expiration of the first fortnight, whatever their number may be, they shall verify the powers of the members newly elected, and all together they constitute the council of five hundred.

[To be Continued.]

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Any person purchasing a still of 100 gallons, will save ten pounds, being the difference of price between the patent and the pewter worm.

For strength and workmanship, he warrants his stills equal to any made on the continent.

All kinds of Brass-Founding as usual—such as skillets, mortars, bells, mill-inks, &c. also copper stills or pewter worms repaired or taken at one shilling per pound in exchange for new.